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 United States of America

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CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

BY Y. W. W. DEPUTY

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$45,000.00 IN U.S. CURRENCY,

TWO RABOBANK CASHIER'S
 CHECKS AT A TOTAL VALUE
 OF \$31,000.00,

ONE WELLS FARGO CHECK
 #028203098 IN THE AMOUNT
 OF \$17,000.00,

ONE RABOBANK CHECK
 #012000742 IN THE AMOUNT
 OF \$8,000.00,

ONE RABOBANK CHECK
 #012000743 IN THE AMOUNT
 OF \$8,000.00,

\$8,000.00 IN U.S. CURRENCY,

Defendants.

Civil No.

08 CV 0862 IEG CAB

EX PARTE MOTION TO APPOINT
 THE UNITED STATES MARSHAL
 AS CUSTODIAN AND TO DEPOSIT
 DEFENDANT CURRENCIES IN SEIZED
 ASSETS DEPOSIT ACCOUNT AND TO
 SUBSTITUTE THE RES

COMES NOW the plaintiff, United States of America, and moves this Court for an exception
 to General Order 273 issued by this Court, that is, for an order appointing the United States Marshal as
 custodian of the defendants upon execution of the warrant of arrest in rem. In support of this motion,
 plaintiff states as follows:

1 1. The United States Marshals office has been staffed with personnel experienced in
2 providing for the management of properties such as the defendants in this case.

3 2. The United States Marshal has consented to assume responsibility for the protection,
4 maintenance, and safety of the defendants during the period the same remain in custodia legis.

5 3. The continued custody of the United States Marshal following execution of the warrant
6 of arrest in rem is necessary and in the best interests of the plaintiff in this case, given the nature of the
7 defendants and the expertise within the United States Marshals Service to provide for the management,
8 protection and preservation of the defendants.

9 4. The United States Marshal has established an account, the Seized Assets Deposit
10 Account, for the deposit of seized currency until further order of the Court. It is further requested that
11 the United States Marshal place the defendant currencies in the Seized Assets Deposit Account
12 administered by the United States Marshal. In the event any of the defendant currency is ordered to be
13 returned to any claimant, the Court may order the payment of interest thereon. Depositing seized
14 currency in such an account is proper. See, United States v. \$57,480.05, 722 F.2d 1457 (9th Cir. 1984)
15 (placing seized cash in bank account was not improper). The account credit of tangible dollars will
16 constitute an appropriate substitute for the original defendant currency or currencies (res). Id.

17 WHEREFORE, plaintiff respectfully requests that an exception to General Order No. 273 be
18 granted permitting the appointment of the United States Marshal as custodian of the defendants and that
19 the defendant currencies be deposited in the aforementioned account and the res be therefore substituted
20 in this action.

21 DATED: May 14, 2008

22 KAREN P. HEWITT
23 United States Attorney

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25 DAVID M. McNEES
26 Special Assistant U.S. Attorney
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